

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<b>ROBERT A. BARRICK,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 05-1545</b>
	)	<b>Electronically Filed</b>
<b>DR. WILLIAM NEWMAN, et al.,</b>	)	
<b>Defendants.</b>	)	

**O R D E R**

AND NOW, this 24<sup>th</sup> day of February, 2006, after the plaintiff, Robert A. Barrick, filed a civil rights complaint in the above-captioned case, and after a motion to dismiss the complaint was submitted by defendant Dr. William Newman, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the plaintiff's untimely reply to defendant Newman's motion to dismiss, which is treated as objections, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion to dismiss the complaint filed by defendant Dr. William Newman (Docket No. 13) is granted.

s/Arthur J. Schwab  
United States District Judge

cc: Robert A. Barrick  
2150-05  
Westmoreland County Jail  
3000 South Grande Blvd.  
Greensburg, PA 15601

All Counsel of Record

Honorable Robert C. Mitchell  
United States Magistrate Judge